

of a feed store. Directly in front of the door of the bank, calmly stood a dozen or more seasoned fighters, all armed with pistols.

A few minutes before the bank doors were to open at nine o'clock, ex-Governor Coke Stevenson and his unarmed investigators approached the bank, escorted by Captain Frank Hammer of the Texas Rangers, who was known to each gunman gathered there. He was respected as a stern, inflexible officer who never gave an order until he was prepared to enforce strict and prompt obedience. Captain Hammer slowly surveyed the group on both sides of the street casually. Then he walked over to the riflemen, and pointing down the street, spoke just one word, "Git." The riflemen cradled their carbines with muzzles lowered, mumbled angrily and cursed audibly, and departed down the street precisely as ordered by Captain Hammer.

Captain Hammer crossed back across the street and faced the group in front of the bank. When the talking and mumbling quieted down, Captain Hammer spoke just two words, "Fall back." With a minimum of hesitation, Captain Hammer's command was obeyed, and a path was cleared to the bank door. As Thomas Donald opened the bank door, Captain Hammer motioned to ex-Governor Coke Stevenson's men to enter the bank. Captain Hammer then took his place in the door of the bank and forbade any of the others to enter. That began and that ended the part that Captain Hammer played in that affair, from its start to its finish.

In a statement sworn under oath, LBJ charged Captain Hammer with using at that meeting, "force, threats and intimidation," for "furthering the conspiracy to rob me of my seat in the United States Senate." In his long career as a Texas Ranger, this was the first time Captain Hammer was charged with violating the Texas Ranger's code of the strictest possible impartiality.

As Chairman Adams and Secretary Poole of the County Executive Committee of Jim Wells County, legal and official custodian in Texas of primary election returns in primary elections of the Democratic Party, Chairman Adams and Secretary Poole made repeated demands upon Thomas Donald that he open the bank vault and that he forthwith deliver to them ballot box of Precinct No. 13 of Jim Wells County. Thomas Donald at first shook his head negatively, but then quickly changed his mind and said, "I will permit you to see the voting list, but not to handle it." Thereupon, Thomas Donald twirled the knob of the big vault door, and after the door of the vault had been opened, Thomas Donald brought out the voting list, holding it up across a wide table for Chairman Adams and Secretary Poole to clearly read the names.

Ex-Governor Coke Stevenson's men proceeded to jot down as many names as they could memorize from the 200 names added to the list in alphabetical order in identical handwriting, and written with green ink. They had jotted down seventeen names when the telephone rang. Thomas Donald folded up the list and took the list with him to answer the telephone. After talking very briefly in a very low tone with the party at the other end, Thomas Donald returned to Chairman Adams and Secretary Poole, and said to them across the wide table, "That's all," forthwith proceeding to return the list to the bank vault, shutting the bank's vault door and terminating their meeting.

However, Chairman Adams and Secretary Poole had been able to memorize seventeen names from the list. Ex-Governor Coke Stevenson's representatives were hurriedly sent to interview them. Their addresses were scattered, but four of the names written with green ink and indicated on the list as having voted in the August 28, 1948 run-off primary election, according to the church records, established beyond all question of any doubt that the addresses of these four alleged voters were in cemeteries, these four alleged voters having died many years ago.

Another name written with green ink and indicated on the list as having voted in the August 28, 1948 run-off primary election was Hector Serda, who was located attend-

ing school in Kingsville. Hector Serda denied having been in Alice on the day of the August 20, 1948 run-off primary election, thus he could not have voted in the run-off primary election on that day in Alice. Another name written with green ink and indicated on the list as having voted in the August 20, 1948 run-off primary election, was a young housewife named Enriqueta Acers who denied having voted, and further stated that she was not qualified to vote. Further investigation failed to locate one person, among the 200 names appearing on the list written with green ink, who admitted having voted in the August 20, 1948 run-off primary election in Precinct No. 13 of Jim Wells County.

As the evidence of this obvious fraud became so apparent, Chairman Adams converted the living room in his home into an office. Chairman Adams tentatively decided to prepare the papers required to commence a mandamus proceeding on the following day, before Judge Broeter, the resident judge in that district. Papers for a second legal proceeding were also tentatively prepared, to be kept in readiness for immediate use in the event their mandamus application before Judge Broeter was denied or delayed. In their second, the County Executive Committee certified the election returns of sixteen voting precincts in Jim Wells County, omitting the returns of Precinct No. 13 of Jim Wells County, the seventeenth voting precinct in Jim Wells County. The elimination of the election returns of Precinct No. 13 of Jim Wells County from election returns of Jim Wells County gave ex-Governor Coke Stevenson a state-wide majority of approximately 900 votes and the nomination as the Democratic Party's candidate for United States Senator in November's nation-wide election.

As each of these legal proceedings would require the official approval of the new County Executive Committee, Chairman Adams and Secretary Poole took immediate steps to notify the other twenty members of their new County Executive Committee to meet to authorize their contemplated legal proceedings. Chairman Adams called for the meeting for eleven o'clock on the following day and held in the living room of his home.

As they arrived for the meeting on the following morning, the members of the new County Executive Committee indicated that their official approval of the litigation would be speedily voted. Chairman Adams had prepared all the papers in advance of the meeting, and was about to officially call the meeting to order to vote approval for their contemplated legal proceedings, when John Connally brazenly intruded into Chairman Adams home in the company of Clarence Marten, the former Chairman of the old County Executive Committee, and two deputy sheriffs of Jim Wells County.

The two deputy sheriffs immediately proceeded to hand Chairman Adams, ex-Governor Coke Stevenson and all members present of the new County Executive Committee, copies of an order by Judge Roy Archer, issued in the 79th District Court in Austin, enjoining any meeting of the new County Executive Committee.

Judge Roy Archer's injunction further enjoined all persons from any further attempt to obtain possession of the ballot box of Precinct No. 13 of Jim Wells County, to cease all efforts in search of fraud and not to attempt to make any new tabulation of the election results in Jim Wells County.

Judge Roy Archer's injunction had been issued only an hour or so earlier, upon an application for the injunction that had been hastily heard by Judge Roy Archer "in chambers" on an affidavit signed personally by LBJ, without any other evidence. It was highly irregular for a Texas District Judge to project his court into a controversy 200 miles outside his jurisdiction, completely ignoring the resident judge in that district.

Judge Roy Archer's injunction was the first time in Texas history that a County Executive Committee had been enjoined from holding an official meeting, and the first time in Texas history that an investigation for fraud had been enjoined by an injunction.

LBJ and John Coffey, his attorney in the proceeding, had been successful in obtaining an injunction in a Texas court enjoining a duly constituted County Executive Committee of the Democratic Party from exercising its legal and traditional right to perform its most important function, tabulating results of all Democratic Party primary elections.

LBJ's political cronies then appeared to have overcome all obstacles with exception of one, the official certification of Democratic Party primary election returns by the State Democratic Executive Committee, which was scheduled to meet for that purpose at noon, on Monday, September 13th 1948, in Fort Worth. When certified by the State Democratic Executive Committee, the list exactly as certified by them was then transmitted to the Secretary of State, who was charged with the duty of printing the ballots in the State of Texas for the general nation-wide election held in November.

Ex-Governor Coke Stevenson's forces prepared to appear before the State Democratic Executive Committee in Fort Worth at noon, on Monday, September 13th 1948, and seek to have the election returns of Precinct No. 13 of Jim Wells County eliminated from the election returns of Jim Wells County, or as an alternative, to have the powerful State Democratic Executive Committee exercise its legal authority to examine the election results of Precinct No. 13 of Jim Wells County.

On the first ballot of the State Democratic Executive Committee to implement the application by ex-Governor Coke Stevenson for an investigation of the August 28th, 1948 run-off primary election returns of Precinct No. 13 of Jim Wells County, the vote was evenly divided, with 28 for the investigation and 28 against the investigation. A second ballot was taken but again with the same results, 28 in favor of the investigation and 28 against the investigation.

After the second ballot, LBJ, John Connally, John Coffey and their staff withdrew to another room for consultation, but not before having obtained a promise from the State Democratic Executive Committee that no more ballots would be taken on Precinct No. 13 of Jim Wells County until they returned to the room in which they had met.

LBJ, John Connally, John Coffey and their staff did not return to the room until shortly after four o'clock in the afternoon, when they brought back with them to the meeting Committeeman C. C. Gibson whom they had flown in from Amarillo, Texas. On the next ballot taken by the State Democratic Executive Committee on Precinct No. 13 of Jim Wells County, Committeeman C. C. Gibson cast the deciding vote in favor of LBJ, with 29 votes against the investigation and 28 votes in favor of the investigation of the election returns of Precinct No. 13 of Jim Wells County. The State Democratic Executive Committee then hastened to adjourn.

Texas Secretary of State Paul Brown was charged with the duty of printing the official ballots for the general election in November and getting them into the hands of the Election Boards in each of the 254 Texas counties in time for absentee voting, which in Texas commenced twenty days before the November 1948 nation-wide general election.

As the legal deadline for printing the ballots was close at hand, Secretary of State Paul Brown immediately forwarded to the printer by registered mail, the certified list of nominees received by him from the State Democratic Executive Committee.

Notwithstanding that LBJ's name was officially ordered to appear on the ballot for the general election in November, as the nominee of the Democratic Party for United States Senator, ex-Governor Coke Stevenson decided to immediately apply to the Federal Courts for permission to examine the primary election returns of Precinct No. 13 of Jim Wells County. Ex-Governor Coke Stevenson was joined by Chairman Adams and Secretary Poole in the prompt preparation of the papers to be immediately submitted in Dallas to Federal District Court Judge T. Whitfield Davidson, seeking that permission.